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10/630,069	07/30/2003	Tazwell L. Anderson JR.	20973-20	9455

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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/630,069

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-6,9-13,16,17,19,20,22-24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,9-13,16,17,19,20,22-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 12/13/2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4, 5, 16, 17, 19, 20, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Verna (U.S. 6,681,398 B1).

Regarding claim 26, Verna discloses a portable wireless handheld device (220 – figure 1) to be used at an event by a user while watching the event live, the portable wireless handheld device (see col. 2, lines 17-20; col. 13, lines 48-51; col. 1, lines 61-63; col. 3, lines 60-61; col. 5, lines 40-47) comprising: a receiver (215 – see figure 1) to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the event, the video content relating to the event (col. 4, lines 40-44; col. 11, lines 19-58; col. 14, lines 3-15);

a user interface (within 220 – figure 1) having inputs to permit a user to select the video content from at least one of the plurality of cameras (see col. 19, lines 18-21 and 24-27; col. 4, lines 40-44);

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a processor (within 216 – figure 1) selectably operated by a user to select video content from at least one of the plurality of cameras (col. 17, lines 24-32; col. 18, lines 57-63; col. 4, lines 40-44);

a display (210 – figure 1) to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the event and choose where to view the video content selected by the user while roaming at the event during the event (the user attending the sporting event may not only see game in real time, but also play game on the device 220 at the sporting event – col. 16, lines 59-63; col. 4, lines 40-44; col. 3, lines 60-61; col. 5, lines 40-47; col. 1, lines 61-63); and

a memory (212 – figure 1) component to store at least a portion of the video content, wherein the portion of the video content to be stored in the memory component is selected and entered by the user through the user interface (see col. 15, lines 25-39; col. 13, lines 14-17).

Regarding claim 27, Verna further discloses that the user interface permits the user to selectively store single individual images, to be reviewed again and again on the display as desired by the user (see col. 19, lines 18-21; col. 15, lines 24-28; col. 17, lines 24-32; col. 18, lines 1-5).

Regarding claim 4, Verna further discloses that the video content comprises non-event related video content (e.g., promotion material – see col. 4, lines 58-61).

Regarding claim 5, Verna further discloses that the memory component is controlled by the user interface to access and replay stored event related video content on the display, thereby permitting the user to review again and again, as desired, the stored video content.

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independent of new live video content received by the receiver (see col. 13, lines 14-17; col. 15, lines 25-39; col. 17, lines 25-28; and col. 18, lines 1-5).

Regarding claim 16, Verna further discloses that the receiver is configured to receive the video and audio signals on a plurality of frequencies (see col. 11, lines 36-45; col. 14, lines 8-11).

Regarding claim 17, Verna further discloses that the receiver is configured to receive the video and audio signals using a plurality of transmission protocols (see col. 14, lines 61-67).

Regarding claim 19, Verna further discloses that the receiver is configured to receive the video and audio signals only when authorized the authorized based upon a unique code associated with a portable device (the device 220 comprises an address decoder for only decoding addressed signals – see col. 14, lines 36-41).

Regarding claim 20, Verna further discloses that the display is configured for viewing by a user when engaged with the user's face (for example, the video screen may comprises an eyepiece, such as glasses goggles or binoculars – see col. 16, lines 65-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US 6,681,398 B1).

Regarding claim 2, Verna discloses that the receiver is configured to receive and provide for viewing and listening audiovisual signals on video screen and audio speaker relating to the event (see col. 17, lines 24-33). Verna does not explicitly disclose providing event content for

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listening based upon at least one of the audio signals by a user. Official Notice is taken that providing audio content at a sporting event selected by a user for listening such as participant communications during a car race is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Verna by providing audio content at a sporting event selected by a user for listening such as participant communications during a car race in order to selectively provide voices or communications of a desired team during the race.

Regarding claim 6, Verna discloses storing the content in the memory 212 of device 220 (see col. 15, lines 25-29). Verna does not explicitly disclose the memory is a removable memory and configured to allow for downloading of the stored content to an external device. Official Notice is taken that storing data on a removable memory such as CD-ROM or flash memory and later download the stored data to an external device such as computer is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Verna by storing data on a removable memory such as CD-ROM or flash memory and later download the stored data to an external device such as computer in order to provide a convenient and easy way to transfer the stored data from the removable memory to an external device.

6. Claims 9-13, 22-24, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US 6,681,398 B1) in view of Havey et al. (US 6,597,346 B1).

Regarding claims 9-13 and 28-30, Verna discloses that the portable wireless handheld device 220 comprising video screen having an eyepiece such as binoculars (see col. 16, line 65 to col. 17, line 1). Verna does not explicitly the device 220 comprising an optics system configured to provide magnified mode of operation, and a plurality of modes of operation such as video viewer mode, binocular mode, a digital camera mode and a camcorder mode.

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However, Havey discloses a portable handheld device having an optics system for providing magnified view, and a plurality of modes of operation including video view mode, binocular mode, digital camera mode, and video camera mode (see col. 7, lines 30-37 and 61-67; col. 8, lines 5-12 and 25-28; col. 4, lines 5-8 and figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Verna by including an optics system configured to provide magnified mode of operation, and a plurality of modes of operation such as video viewer mode, binocular mode, a digital camera mode and a camcorder mode as taught by Havey in order to effectively provide user the various features of displaying the video and the immediate surroundings and capturing the video/images within a single portable device.

Regarding claim 31, Verna discloses a portable wireless handheld device (220 – figure 1) to be used at an event by a user while watching the event live, the portable wireless handheld device (see col. 2, lines 17-20; col. 13, lines 48-51; col. 1, lines 61-63; col. 3, lines 60-61; col. 5, lines 40-47) comprising: a receiver (215 – see figure 1) to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the event, the video content relating to the event (col. 4, lines 40-44; col. 11, lines 19-58; col. 14, lines 3-15);

a user interface (within 220 – figure 1) having inputs to permit a user to select the video content from at least one of the plurality of cameras (see col. 19, lines 18-21 and 24-27; col. 4, lines 40-44);

a processor (within 216 – figure 1) selectably operated by a user to select video content from at least one of the plurality of cameras (col. 17, lines 24-32; col. 18, lines 57-63; col. 4, lines 40-44); and

a display (210 – figure 1) to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the event and choose where to view the video content selected by the user while roaming at the event during the event (the user attending the sporting event may not only see game in real time, but also play game on the device 220 at the sporting event - col. 16, lines 59-63; col. 4, lines 40-44; col. 3, lines 60-61; col. 5, lines 40-47; col. 1, lines 61-63).

Regarding further claims 31 and 24, Verna further discloses that the portable wireless handheld device 220 comprising video screen having an eyepiece such as binoculars (see col. 16, line 65 to col. 17, line 1). Verna does not explicitly the device 220 comprising an optics system configured to provide magnified mode of operation. However, Havey discloses a portable handheld device having an optics system for providing magnified view (see col. 7, lines 30-37 and 61-67; col. 8, lines 25-28; col. 4, lines 5-8 and figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Verna by including an optics system configured to provide magnified mode of operation as taught by Havey in order effectively provide the magnified view of user's immediate surroundings.

Regarding claim 32, Verna discloses a portable wireless handheld device (220 – figure 1) to be used at an event by a user while watching the event live, the portable wireless handheld device (see col. 2, lines 17-20; col. 13, lines 48-51; col. 1, lines 61-63; col. 3, lines 60-61; col. 5, lines 40-47) comprising: a receiver (215 – see figure 1) to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at

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the event, the video content relating to the event (col. 4, lines 40-44; col. 11, lines 19-58; col. 14, lines 3-15);

a user interface (within 220 – figure 1) having inputs to permit a user to select the video content from at least one of the plurality of cameras (see col. 19, lines 18-21 and 24-27; col. 4, lines 40-44);

a processor (within 216 – figure 1) selectably operated by a user to select video content from at least one of the plurality of cameras (col. 17, lines 24-32; col. 18, lines 57-63; col. 4, lines 40-44); and

a display (210 – figure 1) to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the event and choose where to view the video content selected by the user while roaming at the event during the event (the user attending the sporting event may not only see game in real time, but also play game on the device 220 at the sporting event - col. 16, lines 59-63; col. 4, lines 40-44; col. 3, lines 60-61; col. 5, lines 40-47; col. 1, lines 61-63);

Verna discloses that the portable wireless handheld device 220 comprising video screen having an eyepiece such as binoculars (see col. 16, line 65 to col. 17, line 1). Verna does not explicitly the device 220 comprising an optics system configured to provide magnified mode of operation, and a plurality of modes of operation such as video viewer mode, binocular mode, a digital camera mode and a camcorder mode. However, Havey discloses a portable handheld device having an optics system for providing magnified view, and a plurality of modes of operation including video view mode, binocular mode, digital camera mode, and video camera mode (see col. 7, lines 30-37 and 61-67; col. 8, lines 5-12 and 25-28; col. 4, lines 5-8 and figure

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8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Verna by including an optics system configured to provide magnified mode of operation, and a plurality of modes of operation such as video viewer mode, binocular mode, a digital camera mode and a camcorder mode as taught by Havey in order to effectively provide user the various features of displaying the video and the immediate surroundings and capturing the video/images within a single portable device.

Regarding claim 22, Verna further discloses that the processor is configured to provide conditional access to the event content based upon a unique code (the device 220 comprises an address decoder for only decoding addressed signals – see col. 14, lines 36-41).

Regarding claim 23, Verna further discloses a user input selectably operable by a user to control the images and sounds provided to the display and audio system (see col. 17, lines 24-33; col. 19, lines 18-31).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

March 5, 2007